

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 10A.104(5) and 135C.14, the Department of Inspections and Appeals hereby amends Chapter 59, “Tuberculosis (TB) Screening,” Iowa Administrative Code.

The amendment clarifies which health care workers are subject to the tuberculosis screening requirements outlined in 481—Chapter 59, as well as those individuals who are exempt from the screening requirements. The amendment was developed in cooperation with the Iowa Department of Public Health and addresses concerns raised by the Iowa Health Care Association and LeadingAge Iowa regarding TB screening of volunteers who work in health care facilities.

Chapter 59 addresses TB screening for health care workers in hospitals licensed pursuant to Iowa Code chapter 135B and health care facilities licensed pursuant to Iowa Code chapter 135C. One association submitted a comment related to the definition of “health care worker” during the initial rule-making process to adopt Chapter 59. However, after careful consideration of all comments and discussion with the Department of Public Health, it was decided that no changes should be made to the Adopted and Filed rules. After publication of the Adopted and Filed rules, additional groups and individual providers expressed concerns specifically related to volunteers, prompting the need for this rule-making action, which is designed to address those concerns.

In compliance with Iowa Code section 17A.4(3), the Department finds that notice and public participation are impracticable because of the immediate need for the change to implement provisions of Chapter 59, which takes effect March 26, 2013.

The original effective date for Chapter 59 (see **ARC 0484C**, IAB 12/12/12) was delayed 70 days by the Administrative Rules Review Committee in order to give the Department additional time to address the volunteer issue raised by the associations. As a result, the Department finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of the amendment should be waived and this amendment should be made effective March 26, 2013, as that is the effective date of Chapter 59.

The Board of Health approved the amendment at its March 13, 2013, meeting.

This amendment is also published herein under Notice of Intended Action as **ARC 0675C** to allow further public comment. This emergency filing permits the Department to implement Chapter 59 in a timely manner and avoids unnecessary confusion for health care providers regarding the effective date of the chapter.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 135C.14.

This amendment became effective March 26, 2013.

The following amendment is adopted.

Amend rule **481—59.2(135B,135C)**, definition of “Health care worker,” as follows:

“Health care worker” or “HCW” means any paid or unpaid person working in a health care facility or hospital, including any ~~volunteer~~ or person who is paid either by the health care facility or hospital, or paid by any other entity (i.e., temporary agency, private duty, Medicaid/Medicare or independent contractors);, or any volunteer who volunteers in a health care facility or hospital on a consistent and regularly scheduled basis for five or more hours per week. Specifically excluded from the definition of “health care worker” are individuals such as visitors, building contractors, repair workers or others who are in the facility or hospital for a very limited purpose and are not in the facility or hospital on a regular basis.

[Filed Emergency 3/13/13, effective 3/26/13]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/3/13.